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Attorneys for Plaintiff
ARTURO CHING

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ARTURO CHING, an individual, on behalf
17 of himself and all others similarly situated,

18 Plaintiff,

19 v.

20 STATE FARM MUTUAL AUTOMOBILE
21 INSURANCE COMPANY; and DOES 1
22 through 10 inclusive,

23 Defendants.

CASE NO. CV 09 2613 MMC

**STIPULATION MODIFYING BRIEFING
SCHEDULE; [~~PROPOSED~~] ORDER
THEREON**

Hon. Maxine M. Chesney

24 TO THE COURT, AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
25 THIS STIPULATION is entered into by and between plaintiff Arturo Ching ("Plaintiff") and
26 State Farm Mutual Automobile Insurance Company ("Defendant"), collectively referred to herein
27 as the "Parties," by and through their attorneys of record.

28 WHEREAS, the Court in its Order dated September 25, 2009 has set the following
schedule for the briefing on Defendant's motion for summary judgment:

1. Defendant is to file its motion for summary judgment by January 15, 2010;
2. Plaintiff is to file his opposition to Defendant's motion for summary judgment by

February 12, 2010;

3. Defendant is to file its reply in support of its motion for summary judgment by March 5, 2010; and

4. The hearing on Defendant's motion for summary judgment is set for March 19, 2010 at 9:00 a.m.

WHEREAS, despite the Parties' best efforts, Defendant has been unable to take the previously noticed and scheduled deposition of Plaintiff's personal injury counsel Dykman & Wester, LLP and Dykman employee Hector Beltran due to witness illness and unavailability.

WHEREAS, Plaintiff's counsel has requested the postponement of the previously noticed and scheduled deposition of Plaintiff Ching, due to unforeseen scheduling conflicts.

WHEREAS, Defendant has agreed to reschedule the depositions of Dykman & Webster, LLP, Hector Beltran, and Plaintiff to a later date to accommodate the circumstances.

NOW, THEREFORE, pursuant to Local Rule 6-2, the Parties jointly request and HEREBY STIPULATE that the briefing schedule and hearing date for Defendant's motion for summary judgment be modified as follows:

1. Defendant will file its motion for summary judgment by **February 12, 2010**;

2. Plaintiff will file his opposition to defendant's motion for summary judgment by **March 12, 2010**;

3. Defendant will file its reply in support of its motion for summary judgment by **April 2, 2010**;

4. The hearing on Defendant's motion for summary judgment shall be held on **April 16, 2010 at 9:00 a.m.**

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

DATED: December 9, 2009

SEDGWICK, DETERT, MORAN & ARNOLD
LLP

By: _____

Andrew J. King
Attorneys for Defendant
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

1 DATED: December 9, 2009

KABATECK BROWN KELLNER LLP

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3 By: 

4 Niall G. Yamane
5 Michael V. Storti
6 Attorneys for Plaintiff
7 ARTURO CHING

8 **~~PROPOSED~~ ORDER**

9 Pursuant to the stipulation of the parties, and good cause appearing therefor,

10 **IT IS SO ORDERED.**

11 DATED: December 10, 2009

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13 THE HONORABLE MAXINE M. CHESNEY
14 UNITED STATES DISTRICT JUDGE
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